



Legislative Bulletin.....September 15, 2014

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H.R. 5108 — To establish the Law School Clinic Certification Program of the United States Patent and Trademark Office, and for other purposes. (*Jeffries, D-NY*)

Order of Business: [H.R. 5108](#) is scheduled for consideration on Monday, September 15, 2014, under a suspension of the rules, which requires a two-thirds majority vote for passage.

Summary: This bill establishes The Law School Clinic Certification Program of the United States Patent and Trademark Office (USPTO). Under this program, American Bar Association (ABA) approved law schools will have the option to establish a legal clinic on behalf of clients in need of assistance with patent and trademark representation before the USPTO.

Students participating in the legal clinic will be able to earn academic credit by “drafting, filing, and prosecuting patent or trademark applications, or both, on a pro-bono basis for clients that qualify for assistant from the law school’s clinic.”

The program will be established for a period of 10 years commencing on the date of passage. Within two years of enactment, the program’s director will submit a report to the House and Senate Judiciary Committees describing the participating law schools, work completed in the program, the program’s benefits, and any recommendations for changes.

Additional Background: The USPTO established a [Law School Clinic Certification Pilot Program](#) in 2008, which currently has 45 law schools participating. The program costs about \$200,000 per year to operate.

Many law schools permit students to earn academic credit by participating in a legal clinic. Students gain practical legal experience under the supervision of a practicing attorney or clinical professor. Traditionally, clinics have been created to provide legal services on a pro-bono basis to underserved communities and clientele.

Committee Action: H.R. 5108 was introduced by Representatives Jeffries on July 15, 2014. The bill was referred to the House Committee on the Judiciary. The Committee considered and marked up the bill on September 10, 2014, and ordered the bill reported by [voice vote](#).

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: The Congressional Budget Office [estimates](#) that H.R. 5108 will have a negligible effect on net discretionary revenues and outlays. The USPTO is currently operating a Law School Clinic Certification Pilot Program. H.R. 5108 is not anticipated to increase the USPTO's work-load and corresponding costs. The USPTO is authorized to collect certain fees to help off-set its incurred costs.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10th Amendment?: No.

Does the Bill Delegate Any Legislative Authority to the Executive Branch?: No.

Does the Bill Contain Any Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No.

Constitutional Authority: According to the sponsor, "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 8."

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H.R. 5405 – Promoting Job Creation and Reducing Small Business Burdens Act, as amended (Fitzpatrick, R-PA)

Order of Business: [H.R. 5405](#) is scheduled to be considered on Monday, September 15, 2014, subject to a suspension of the rules, which requires a two-thirds majority vote for passage.

Summary of Titles and House Action: The text of this bill consists of eleven previously introduced or passed bills designed to help emerging growth companies gain access to capital.

- Title I “Business Risk Mitigation and Price Stabilization Act” contains text from H.R. 634 (Grimm, R-NY) ([RSC Legislative Bulletin](#)) that passed the House by a [vote](#) of 411-12 on June 12, 2013.
- Title II “Treatment of Affiliate Transactions” contains text from H.R. 677 (Stivers, R-OH) that was favorably reported by the House Committee on Financial Services on May 7, 2013, by a [vote](#) of 50-10.
- Title III “Holding Company Registration Threshold Equalization Act” contains text from H.R. 801 (Womack, R-AR) ([RSC Legislative Bulletin](#)) that passed the House on January 14, 2014, by a [vote](#) of 417-4.
- Title IV “Small Business Mergers, Acquisitions, Sales, and Brokerage Act” contains text from H.R. 2274 (Huizenga, R-MI) ([RSC Legislative Bulletin](#)) that passed the House on January 14, 2014, by a [vote](#) of 422-10.
- Title V “Small Cap Liquidity Reform Act” contains text from H.R. 3448 (Duffy, R-WI) ([RSC Legislative Bulletin](#)) that passed the House on February 11, 2014, by a [vote](#) of 412-4.
- Title VI “Improving Access to Capital for Emerging Growth Companies Act” contains text from H.R. 3623 (Fincher, R-TN) that was favorably reported by the House Committee on Financial Services by a [vote](#) of 56-0 on March 13, 2014.
- Title VII “Small Company Disclosure Simplification Act” contains text from H.R. 4164 (Hurt, R-VA) that was favorably reported by the House Committee on Financial Services on January 13, 2014, by a [vote](#) of 51-5.
- Title VIII “Restoring Proven Financing for American Employers Act” contains text from H.R. 4167 (Barr, R-KY) ([RSC Legislative Bulletin](#)) that passed the House by voice vote on April 29, 2014.
- Title IX “Advisers Relief Act” contains text from H.R. 4200 (Luetkemeyer, R-MO) that was favorably reported by the House Committee on Financial Services on May 22, 2014, by a [vote](#) of 56-0.
- Title X “Disclosure Modernization and Simplification Act” contains text from H.R. 4569 (Garrett, R-NJ) that passed the House Committee on Financial Services on May 22, 2014, by a [vote](#) of 59-0.
- Title XI “Encouraging Employee Ownership Act” contains text from H.R. 4571 (Hultgren, R-IL) that was favorably reported by the House Committee on Financial Services on May 22, 2014, by a [vote](#) of 36-23.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: No Congressional Budget Office cost estimate is available.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No.

Constitutional Authority: A statement of constitutional authority is not available.

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H.R. 3374 — American Savings Promotion Act (Kilmer, D-WA)

Order of Business: [H.R. 3374](#) is scheduled for consideration on Monday, September 15, 2014, under a suspension of the rules, which requires a two-thirds majority vote for passage.

Summary: H.R. 3374 amends federal statute to permit depository institutions such as banks and credit unions to offer a “savings promotion raffle” to depositors, provided that the “sole consideration required for a chance of winning designated prizes is obtained by the deposit of a specified amount of money in a savings account or other savings program” and each entry has an equal chance of winning.

Additional Background: Under existing federal statutes, depository institutions may not offer a chance at lottery winnings to depositors. Connecticut, Michigan, Maine, Maryland, Nebraska, North Carolina, Rhode Island, and Washington have state laws permitting depository institutions to offer prizes to depositors.

Committee Action: H.R. 3374 was introduced by Representative Kilmer on October 29, 2013. It was referred to the House Committee on Financial Services and the House Judiciary Committee. The bill was referred to the House Judiciary Subcommittee on Crime, Terrorism, Homeland Security, and Investigations on January 9, 2014. The House Financial Services Subcommittee on Financial Institutions and Consumer Credit held a hearing on July 15, 2014.

Administration Position: No Statement of Administration Policy is available at this time.

Cost to Taxpayers: No Congressional Budget Office estimate is available at this time.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10th Amendment?: No.

Does the Bill Delegate Any Legislative Authority to the Executive Branch?: No.

Does the Bill Contain Any Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No.

Constitutional Authority: According to the sponsor, “Congress has the power to enact this legislation pursuant to the following:

‘Article I, Section 8, Clause 1: “The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.”

Article I, Section 8, Clause 3: “To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.”

Article I, Section 8, Clause 18: “To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.”

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H.R. __ — Insurance Capital Standards Clarification Act of 2014 (Barr, R-KY)

Order of Business: [H.R. ____](#) is scheduled for consideration on Monday, September 15, 2014, under a suspension of the rules, which requires a two-thirds majority vote for passage.

Summary and Congressional Action: This bill clarifies the capital standards for insurance companies and also includes three previously-passed House bills.

- Title I “Insurance Capital Standards” includes text from S. 2270 (Collins, R-ME) that passed the Senate by Unanimous Consent on June 3, 2014.
- Title II “Collateralized Loan Obligations” includes text from H.R. 4167 (Barr, R-KY) ([RSC Legislative Bulletin](#)) that passed the House on April 29, 2014, by voice vote.
- Title III “Definition of Points and Fees in Mortgage Transactions” includes text from H.R. 3211 (Huizenga, R-MI) ([RSC Legislative Bulletin](#)) that passed the House by voice vote on June 9, 2014.
- Title IV “Business Risk Mitigation and Price Stabilization” includes text from H.R. 634 (Grimm, R-NY) ([RSC Legislative Bulletin](#)) that passed the House by a [vote](#) of 411-12 on June 12, 2013

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: No Congressional Budget Office cost estimate is available.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10th Amendment?: No.

Does the Bill Delegate Any Legislative Authority to the Executive Branch?: No.

Does the Bill Contain Any Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No.

Constitutional Authority: No constitutional authority statement for this bill is available.

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H.R. 2866 — Boys Town Centennial Commemorative Coin Act (Terry, R-NE)

Order of Business: [H.R. 2866](#) is scheduled for consideration on Monday, September 5, 2014, under a suspension of the rules, which requires a two-thirds majority vote for passage.

Summary: H.R. 2866 directs the Secretary of the Treasury to mint coins commemorating the centennial of the founding of “Boys Town,” a non-profit dedicated to serving displaced children. The Secretary will be authorized to “mint and issue not more than 50,000 \$5 coins . . . not more than 350,000 \$1 coins, and not more than 300,000 half dollar clad coins in commemoration of the centennial of . . . Boys Town.”

Additional Background: [Boys Town](#) is a non-profit headquartered in Boys Town, Nebraska, that serves displaced children irrespective of race or religious background. According to the Boys Town website it was founded by Father Edward Flanagan on December 12, 1917, and continues to serve children and families in California, Nevada, Texas, Nebraska, Iowa, Louisiana, North Florida, Central Florida, South Florida, Washington, DC, New York, and New England.

Committee Action: H.R. 2866 was introduced by Representative Terry on July 30, 2013, and referred to the House Committee on Financial Services. There was no further Committee action on the bill.

Conservative Concerns: In the past, some conservatives have expressed concern with the Federal government’s involvement with commemorative coins as a general matter (but not specific to this bill).

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: No Congressional Budget Office cost estimate was available.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10th Amendment?: No.

Does the Bill Delegate Any Legislative Authority to the Executive Branch?: No.

Does the Bill Contain Any Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No.

Constitutional Authority: According to the sponsor, “Congress has the power to enact this legislation pursuant to the following: Art. I, Sec. 8, Cl. 5, which provides, ‘To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;’.”

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